

05-40052 MLW

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In Re: Menezes v. University of Massachusetts et al

Chapter 7
Adversary Proceeding 01-04355
Judge Henry J. Boroff

CLERK'S CERTIFICATION FOR TRANSMITTAL
OF RECORD ON APPEAL

I, JAMES M. LYNCH, Clerk of the United States Bankruptcy Court for the District of Massachusetts, do hereby certify that the annexed documents are copies of the original papers as described in the accompanying Designation of Record and constitute the Record on Appeal in the case entitled and numbered **Harriet Menezes Adv. Proc. No. 01-4355**.

IN TESTIMONY WHEREOF, I HEREUNTO SET
MY HAND AND AFFIX THE SEAL OF THIS
COURT, AT WORCESTER, IN THE DISTRICT OF
MASSACHUSETTS, THIS 23rd DAY OF MARCH.

Date: 3/23/05

James M. Lynch
Clerk, U.S. Bankruptcy Court



By the Court,

Alberto Barrera

Deputy Clerk
(508) 770-8943

Receipt of the documents in the above-entitled case as described in the Designation of Record is hereby acknowledged this 23 day of March, 2005.

This case has been assigned No. 05-40052

Don B. Roland
DEPUTY CLERK

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION**

IN RE:
Harriet Menezes,
Debtor

CHAPTER 7
CASE NO. 01-44067-IJB

Harriet Menezes,
Plaintiff

vs.

ADVERSARY PROCEEDING
NO. 01-4355-HJB

U.S. Department of Education, University of
Massachusetts - Amherst, TERI Educational
Resources Institute, Digital Federal Credit Union,
American Express Centurion Bank, Allied Interstate
Inc., Brigham & Womens Dept. Of Surgery and
Faulkner Hospital, Inc.
Defendants

FILED
CLERK'S OFFICE
2005 FEB 14 A 9 11
BANKRUPTCY COURT
AMHERST, MA.

Notice of Appeal

State University New York - Student Loan Service Center, a defendant in the captioned adversary proceeding, appeals under 28 U.S.C. § 158 (a) from judgment, order, or decree of the bankruptcy judge discharging student loan obligation under 11 USC § 523 (a) (8) entered in this adversary proceeding on the 3rd day of February, 2005.

The names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

John F. White, Esq.
Topkins & Bevans
Attorney for Educational Credit Management Corp.
150 Grossman Drive, Suite 305
Braintree, MA 02184
(781) 849-5906

Philip F. Coppinger, Esq.
Seder & Chandler
Attorney for Debtor/Plaintiff
339 Main Street
Worcester, MA 01608
(617) 426-0681

Michael A. Beatty, Esq.
31 St. James Avenue
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Boston, MA 02116
(617) 556-0592

Geoffrey B. McCullough
Associate Counsel
Attorney for University of Massachusetts
One Beacon St., 26th Floor
Boston, MA 2108
(617) 287-7028

Harriet Menezes
Debtor/Plaintiff
169 Thoreau St. #8
Concord, Ma 01742

Dated: February 11, 2005

Signed: 

Attorney for Appellant ~~(or)~~ Appellant, if not represented by an Attorney)

Bar No. 104580 NDNY

Admitted Pro hac vice by order of US Bankruptcy Court, District of Massachusetts,
Western Division

Attorney Name: Stephen M. Nagle, Assistant Attorney General

Address : Office of the Attorney General
The Capital
Civil Recoveries Bureau
Albany, NY 12224

Telephone No: (518) 474-0594

If a Bankruptcy Appellate Panel Service is authorized to hear this appeal, each party has a right to have the appeal heard by the district court. The appellant may exercise this right only by filing a separate statement of election at the time of the filing of this notice of appeal. Any other party may elect, within the time provided in 28 U.S.C. § 158(c), to have the appeal heard by the district court.

If a child support creditor or its representative is the appellant, and if the child support creditor or its representative files the form specified in 304(g) of the Bankruptcy Reform Act 1994, no fee is required.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

In re:

Harriet Menezes,
Debtor

CHAPTER 7
CASE NO. 01-44067-HJB

Harriet Menezes,
Plaintiff

ADVERSARY PROCEEDING
NO. 01-4355-HJB

vs.

U.S. Department of Education, University of
Massachusetts - Amherst, TERI Educational
Resources Institute, Digital Federal Credit Union,
American Express Centurion Bank, Allied Interstate
Inc., Brigham & Womens Dept. Of Surgery and
Faulkner Hospital, Inc.
Defendants

FILED
IN CLERK'S OFFICE
2005 FEB 14 A 9:11
BANKRUPTCY COURT
WORCESTER, MA.

CERTIFICATE OF SERVICE

I hereby certify that on February 11, a true copy of Notice of Appeal was served by
Regular Mail delivery on all parties listed below:

John F. White, Esq.
Topkins & Bevans
Attorney for Educational Credit Management Corp.
150 Grossman Drive, Suite 305
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Seder & Chandler
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(617) 287-7028

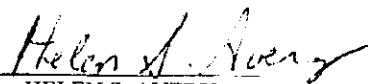
Harriet Menezes
Debtor/Plaintiff
169 Thoreau St. #8
Concord, MA 01742

Matthew Rockman
Chapter 7 Trustee
340 Main St.
Suite 800
Worcester, MA 01608

Bankruptcy Appellate Panel
2-500 John Joseph Moakley U.S. Courthouse
1 U.S. Courthouse Way
Boston, MA 02110

Richard T. King
Assistant U.S. Trustee
446 Main St., 14th fl.
Worcester, MA 01608

Dated: February 11, 2005


HELEN S. AVERY

05 - 40052

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In Re: Menezes v. University of Massachusetts et al

Chapter 7
Adversary Proceeding 01-04355
Judge Henry J. Boroff

NOTICE OF FILING OF APPEAL TO DISTRICT COURT

A Notice of Appeal and an Election to have the appeal heard in the United States District Court were filed on **FEBRUARY 14, 2005** in the above case/proceeding.

Please refer to 28 U.S.C. § 158(c)(1), Federal Rule of Bankruptcy Procedure 8001 et seq., and Local Rule 203 of the U.S. District Court. Also, pursuant to Federal Rule of Bankruptcy Procedure 8006 the Appellant must file with the Clerk of this Court, a Designation of the Record on Appeal and a Statement of the Issues to be presented on Appeal, within ten (10) days of the filing of the:

1. Notice of Appeal, or
2. Entry of an Order granting leave to appeal, or
3. Entry of an Order disposing of the last timely motion outstanding of a type specified in Rule 8002(b),

whichever is **later**.

A copy of the Designation and Statement shall be served by the Appellant on the Appellee.

The Appellee may file a Designation of Additional Papers to be included in the Record on Appeal within ten (10) days after service of the Appellant's Designation and Statement.

Upon the filing of Designation(s) of Record and Statement of Issues on Appeal, the Appellant (and Appellee if additional papers have been designated) shall, provide the Clerk with copies of all papers which have been designated for inclusion in the Record on Appeal within twenty-five (25) days of the issuance of this notice.

It is the duty of the parties to insure that the Record on Appeal is complete. The Clerk of the Bankruptcy Court will transmit the Record on Appeal as assembled by the parties.

Date: 2/14/05

James M. Lynch
Clerk, U.S. Bankruptcy Court

By the Court,

Alberto Barrera
Deputy Clerk
(508) 770- 8943

Certificate of Service

District/Off: 0101-4

User: ab

Date printed:
2/14/2005

Case: 01-04355

Form ID: ntcde

Total: 8

DB Harriet Menezes

aty Geoffrey B.
McCullough

Associate Counsel

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Concord, MA
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02108

aty Harriet Menezes

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02184

aty John F. White

Topkins & Bevans

31 St. James
AvenueBoston, MA
02116

aty Michael A. Beatty

First Marblehead
Education ResourceBurnside Building
Assistant Attorney
General

339 Main St.

Worcester, MA
01608intp State Of N.Y. Office
Of Attorney Generalc/o Stephen M.
Nagle

The Capital

Albany, NY
12224

pla Harriet Menezes

34 Concord Cross.

Concord, MA
01742

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION**

IN RE:
Harriet Menezes,
Debtor

CHAPTER 7
CASE NO. 01-44067-HJB

Harriet Menezes,
Plaintiff

vs.

Adv. Proc. No. 01-4355

U.S. Department of Education, University of
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American Express Centurion Bank, Allied Interstate
Inc., Brigham & Womens Dept. Of Surgery and
Faulkner Hospital, Inc.
Defendants

FILED
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION
FEB 11 2005
AMHERST, MA

ELECTION TO PROCEED TO DISTRICT COURT

TAKE NOTICE that the State University of New York Student Loan Service Center, the Appellant/Defendant in the above-captioned proceedings, hereby causes to be filed with the Court this separate written Statement of Election to have an appeal heard by the District Court pursuant to 28 USC § 158(c)(1) instead of the First Circuit Bankruptcy Appellate Panel. This Statement is signed by the attorney for the Appellant and filed with the Court pursuant to Local Rules of the Bankruptcy Appellate Panel for the First Circuit, Rule 8001-1(d)(2)(i).

Dated: February 11, 2005

Signed: 

Attorney for Appellant (or Appellant, if not represented by an Attorney)
Bar No. 104580 NDNY
Admitted Pro hac vice by order of US Bankruptcy Court, District of Massachusetts,
Western Division

Attorney Name: Stephen M. Nagle, Assistant Attorney General

Address: Office of the Attorney General
The Capital
Civil Recoveries Bureau
Albany, NY 12224
Telephone No: (518) 474-0594

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

In re:

Harriet Menezes,
Debtor

CHAPTER 7
CASE NO. 01-44067-HJB

Harriet Menezes,
Plaintiff

ADVERSARY PROCEEDING
NO. 01-4355-HJB

vs.

U.S. Department of Education, University of
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Defendants

FILED
CLERK'S OFFICE
MAR 14 A 9 11
BANKRUPTCY COURT
WORCESTER, MA.

CERTIFICATE OF SERVICE

I hereby certify that on February 11, a true copy of Election to Proceed to District Court was served by **Regular Mail** delivery on all parties listed below:

John F. White, Esq.
Topkins & Bevans
Attorney for Educational Credit Management Corp.
150 Grossman Drive, Suite 305
Braintree, MA 02184
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Philip F. Coppinger, Esq.
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1 U.S. Courthouse Way
Boston, MA 02110

Richard T. King
Assistant U.S. Trustee
446 Main St., 14th fl.
Worcester, MA 01608

Dated: February 11, 2005


HELEN S. AVERY

UNITED STATES BANKRUPTCY COURT, DISTRICT OF MASSACHUSETTS
Proceeding Memorandum/Order of Court

In Re: Menezes v. University of
Massachusetts et al

Case Number: 01-04355

Ch:

MOVANT/APPLICANT/PARTIES:

Trial on Complaint to Determine the Dischargeability of student loans

OUTCOME:

☐ Granted ☐ Denied ☐ Approved ☐ Sustained
☐ Denied ☐ Denied without prejudice ☐ Withdrawn in open court ☐ Overruled
☐ OSC enforced/released
☐ Continued to: _____ For: _____
☐ Formal order/stipulation to be submitted by: _____ Date due: _____
☐ Findings and conclusions dictated at close of hearing incorporated by reference
☐ Taken under advise ment: Brief(s) due _____ From _____
Response(s) due _____ From _____
☐ Fees allowed in the amount of: \$ _____ Expenses of: \$ _____
☐ No appearance/response by: _____
☒ DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

JUDGMENT FOR THE PLAINTIFF. THE DEBTOR'S LOANS FROM THE DEFENDANTS ARE, ACCORDINGLY, FULLY DISCHARGED.

IT IS SO NOTED:

Courtroom Deputy

IT IS SO ORDERED:



Henry J. Boroff, U.S. Bankruptcy Judge

Dated: 02/03/2005

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